

Christopher A. Turtzo; NV Bar No. 10253
MORRIS, SULLIVAN & LEMKUL, LLP
 3960 Howard Hughes Parkway, Suite 400
 Las Vegas, NV 89169
 Tel: (702) 405-8100
 Fax: (702) 405-8101
 turtzo@morrissullivanlaw.com

Patrick Coughlin (*pro hac vice*)
 Carmen Medici (*pro hac vice*)
 Fatima Brizuela (*pro hac vice*)
 Daniel J. Brockwell (*pro hac vice*)
**SCOTT+SCOTT ATTORNEYS AT
 LAW LLP**
 600 W. Broadway, Suite 3300
 San Diego, CA 92101
 Tel: (619) 233-4565
 Fax: (619) 233-0508
 pcoughlin@scott-scott.com
 cmedici@scott-scott.com

[Additional attorneys listed on signature page.]

Attorneys for Plaintiffs and the Proposed Classes

**UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA**

DANIEL ROSENBAUM, *et al.*,

 Plaintiffs,

 v.

 PERMIAN RESOURCES CORP., *et al.*,

 Defendants.

CONSOLIDATED CASE
 NO. 2:24-cv-00103-MMD-MDC

**DECLARATION OF PATRICK J.
 COUGHLIN IN SUPPORT OF
 PLAINTIFFS' MOTION FOR PRE-RULE
 16(f) DISCOVERY OF DOCUMENTS
 DEFENDANT PIONEER PREVIOUSLY
 PRODUCED TO THE FEDERAL TRADE
 COMMISSION**

BRIAN COURTMANCHE, *et al.*,

 Plaintiff,

 v.

 PERMIAN RESOURCES CORP., *et al.*,

 Defendants.

CONSOLIDATED CASE
 NO. 2:24-cv-00198-MMD-MDC

JOHN MELLOR, on behalf of himself and
 all others similarly situated,

 Plaintiff,

 v.

 PERMIAN RESOURCES CORP., *et al.*,

 Defendants.

CONSOLIDATED CASE
 NO. 2:24-CV-00253-MMD-MDC

1 I, Patrick J. Coughlin, hereby declare as follows:

2 1. I am an attorney with the law firm of Scott+Scott Attorneys at Law LLP, counsel for Daniel
3 Rosenbaum, Reneldo Rodriguez, and Thomas Caron in the first-referenced action above. I submit
4 this affidavit in support of Plaintiffs' Motion for Pre-Rule 16(f) Discovery of Documents
5 Defendant Pioneer Previously Produced to the Federal Trade Commission. I have personal
6 knowledge of the matters stated herein, and if called upon, I could, and would, competently testify
7 thereto.

8 2. The Parties have made a good faith effort to resolve this discovery dispute. On May 2,
9 2024, Plaintiffs requested that Defendant Pioneer produce all documents previously produced to
10 the FTC. On May 6, 2024, the Parties met and conferred, and Plaintiffs offered to narrow their
11 request to only the custodial files of Mr. Sheffield that Pioneer produced to the FTC. On May 7,
12 2024, Pioneer's counsel called Plaintiffs' counsel and confirmed they opposed Plaintiffs' narrowed
13 request.

14 3. To the best of my knowledge and belief, attached hereto is a true and correct copy of each
15 of the following documents:

16 4. **Exhibit 1** is a true and correct copy of the Press Release, *FTC Order Bans Former Pioneer*
17 *CEO from Exxon Board Seat in Exxon-Pioneer Deal*, U.S. FED. TRADE COMM'N (May 2, 2024),
18 obtained on May 6, 2024 from [https://www.ftc.gov/news-events/news/press-releases/2024/05/ftc-](https://www.ftc.gov/news-events/news/press-releases/2024/05/ftc-order-bans-former-pioneer-ceo-exxon-board-seat-exxon-pioneer-deal)
19 [order-bans-former-pioneer-ceo-exxon-board-seat-exxon-pioneer-deal](https://www.ftc.gov/news-events/news/press-releases/2024/05/ftc-order-bans-former-pioneer-ceo-exxon-board-seat-exxon-pioneer-deal).

20 5. **Exhibit 2** is a true and correct copy of the Consent Order, *In the Matter of Exxon Mobil*
21 *Corp.*, File No. 241-0004 (May 2, 2024), obtained on May 6, 2024 from [https://www.ftc.gov/](https://www.ftc.gov/system/files/ftc_gov/pdf/2410004exxonpioneerorderredacted.pdf)
22 [system/files/ftc_gov/pdf/2410004exxonpioneerorderredacted.pdf](https://www.ftc.gov/system/files/ftc_gov/pdf/2410004exxonpioneerorderredacted.pdf).

23 6. **Exhibit 3** is a true and correct copy of the public, redacted FTC Administrative Complaint,
24 *In the Matter of Exxon Mobil Corp.*, File No. 241-0004 (May 2, 2024), obtained on May 6, 2024
25 from https://www.ftc.gov/system/files/ftc_gov/pdf/2410004exxonpioneercomplaintredacted.pdf.

26 7. **Exhibit 4** is a true and correct copy of Benoit Morenne, et al., *Former Pioneer CEO Is*
27 *Accused of Trying to Collude with OPEC*, THE WALL STREET J. (May 2, 2024), obtained on May
28

6, 2024 from <https://www.wsj.com/business/energy-oil/ftc-says-ex-pioneer-ceo-tried-to-collude-with-opec-on-oil-prices-27edf5bd>.

8. **Exhibit 5** is a true and correct copy of the *Public Statement of Chair Lina M. Khan in the Matter of Exxon Mobil Corporation*, U.S. FED. TRADE COMM’N (May 2, 2024), obtained on May 6, 2024 from https://www.ftc.gov/system/files/ftc_gov/pdf/2410004exxonpioneerlmkstmt1_0.pdf.

9. **Exhibit 6** is a true and correct copy of excerpts from *the Production Guide: An eDiscovery Resource, Revision 1.9*, FTC BUREAU OF COMPETITION (Apr. 13, 2023), obtained on May 8, 2024 from https://www.ftc.gov/system/files/ftc_gov/pdf/document-production-guide.pdf.

10. **Exhibit 7** is a true and correct copy of the Press Release, *ExxonMobil announces merger with Pioneer Natural Resources in an all-stock transaction*, EXXONMOBIL CORP. (Oct. 11, 2023), obtained on May 8, 2024 from https://corporate.exxonmobil.com/news/news-releases/2023/1011_exxonmobil-announces-merger-with-pioneer-natural-resources-in-an-all-stock-transaction.

11. **Exhibit 8** is a true and correct copy of Kevin Crowley, et al., *FTC Set to Rule on \$60 Billion Exxon-Pioneer Deal in Coming Days*, BLOOMBERG (May 1, 2024), obtained on May 8, 2024 from <https://news.bloomberglaw.com/antitrust/ftc-set-to-rule-on-60-billion-exxon-pioneer-deal-in-coming-days>.

12. **Exhibit 9** is a true and correct copy of excerpts from the Transcript of Apr. 3, 2023 Proceedings, *In re Lithium Ion Batteries Antitrust Litig.*, No. C-13-MD-2420-YGR (N.D. Cal. Apr. 16, 2023) (ECF No. 148).

I declare under penalty of perjury that the foregoing is true and correct.

DATE: May 8, 2024

/s/Patrick J. Coughlin

Patrick J. Coughlin

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of MORRIS, SULLIVAN & LEMKUL, LLP, and that I caused a true and correct copy of the foregoing DECLARATION OF PATRICK J. COUGHLIN IN SUPPORT OF PLAINTIFFS' MOTION FOR PRE-RULE 16(f) DISCOVERY OF DOCUMENTS DEFENDANT PIONEER PREVIOUSLY PRODUCED TO THE FEDERAL TRADE COMMISSION to be served via Electronic Service to all parties and counsel identified on the CM/ECF System via electronic notification on this 8th day of May, 2024.

/s/Dominique Rocha

An Employee of Morris, Sullivan & Lemkul